

RESOLUTION NO. 2019-77-3161

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE
UPDATING THE CITY OF IRWINDALE FRAUD POLICY**

WHEREAS, the City of Irwindale is committed to protecting City residents, City employees, and public assets entrusted to the City; and

WHEREAS, the City wishes to identify and investigate incidents of fraud, waste, and abuse discovered, and to pursue appropriate remedies available under the law; and

WHEREAS, the City recognizes that confidential reporting can be an important and effective way to discover fraud, waste, and abuse; and

WHEREAS, on July 12, 2017, the City Council adopted Resolution No. 2017-46-2944 approving a formal Fraud Policy which provides the public, City employees, and elected and appointed City officials to confidentially report incidents of fraud, waste and abuse within the City; and

WHEREAS, the City wishes to update the Fraud Policy to add an additional method of reporting fraud anonymously and securely via an online form on the City's website, as well as add other minor updates to the policy.

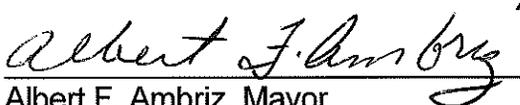
**NOW, THEREFORE, THE CITY OF IRWINDALE DOES HEREBY RESOLVE AS
FOLLOWS:**

SECTION 1. The updated Fraud Policy attached as Exhibit A is hereby approved and shall be effective immediately upon the approval of this Resolution No. 2019-77-3161.

SECTION 2. The previous Fraud Policy adopted by Resolution No. 2017-46-2944 is hereby repealed.

SECTION 3. The Deputy City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 11th day of December 2019.


Albert F. Ambriz, Mayor

ATTEST

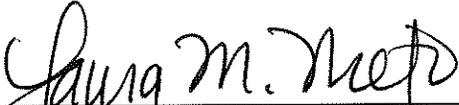

Laura M. Nieto, MMC
Chief Deputy City Clerk

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }
CITY OF IRWINDALE }

ss.

I, Laura M. Nieto, Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Resolution No. 2019-77-3161 was duly and regularly passed and adopted by the City Council of the City of Irwindale at its regular City Council meeting held on December 11th 2019, by the following vote:

AYES:	Councilmembers:	Breceda, Burrola, Garcia, Ortiz, Mayor Ambriz
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None



Laura M. Nieto, MMC
Chief Deputy City Clerk

CITY COUNCIL POLICY

DATE ADOPTED: July 12, 2017

DATE AMENDED: December 11, 2019

SUBJECT: Fraud Policy

**CITY OF IRWINDALE
FRAUD POLICY**

I. INTRODUCTION

The City of Irwindale (“City”), is committed to protecting City residents, City employees, and public assets entrusted to the City. Accordingly, it is the policy of the City to identify and promptly investigate incidents of fraud, waste, and abuse committed by City employees, and to pursue appropriate remedies available under the law.

The City recognizes that confidential reporting can be an important and effective way to discover fraud, waste, and abuse. Consequently, the City has established this Policy, which outlines the process and allows members of the public, City employees, and elected and appointed City officials to confidentially report incidents of fraud, waste, and abuse within the City.

II. POLICY

This policy is established to ensure member of the public, elected officials, committee and commission members, volunteers, and employees are aware of the following:

- Acts that are considered to be fraudulent, wasteful or abusive;
- Procedures for reporting suspected fraudulent, waste, abuse, or abusive acts;
- Steps to be taken when fraud, waste, abuse, or other related activities are suspected; and
- The responsibility of City officials and employees to institute and maintain a system of internal controls to prevent and detect fraud, waste, and abuse as set forth in this Policy.

III. SCOPE OF POLICY

This policy applies to any fraudulent, wasteful, or abusive activities, involving employees as well as shareholders, consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/ or any other parties with a business relationship with the City.

The purpose of this Policy is to only address a specific and limited set of issues. A person considering making a report pursuant to this Policy should only report acts of fraud, waste, and abuse, as defined in this Policy. Other issues should be reported elsewhere. California Government Code Section §53087.6(f)(2) defines, “fraud, waste, and abuse,” as:

Any activity by a local agency or employee that is undertaken in the performance of the employee’s official duties, including activities deemed to be outside of the scope of his or her employment, that is

- in violation of any local, state, or federal law or regulation relating to corruption, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, conversion, malicious prosecution, misuse of government property, or willful omission to performance duty,
- is economically wasteful,
- or involves gross misconduct.

A. What Constitutes Fraud, Waste, and Abuse?

The following actions would be appropriate subjects to report under the scope of this Policy:

- Corruption
- Bribery
- Kickbacks
- Theft of Government Property
- False Claims for Payment
- Forging Financial Documents
- Misuse of Government Property
- Use of Coercion, Threats, or Position of Authority for Personal Gain
- Willful Failure to Perform Duties
- Deceptive Accounting Practices
- Other Kinds of Misconduct Involving Government Finances or Assets
- Other Activities that Waste or Mismanage Government Assets

B. What Does Not Constitute Fraud, Waste and Abuse?

The scope of this Policy does **not** include reports that deal with customer service requests, “fix-it” requests, personnel issues, or crimes. Examples of reports or inquiries that would not fall under the purview of this Policy include, but are not limited to:

- Fallen Trees
- Tree Trimming

- Street Lighting
- Traffic Signal Repair
- Median Irrigation
- Potholes
- Park Irrigation
- Park Lights
- Trash and Graffiti
- Public Record Request
- Labor Management Issues, e.g. Discrimination, Sexual Harassment, Substance Abuse, and Workplace Violence/Threat
- Criminal Activity

IV. REPORTING PROCEDURES

It is the City's intent to fully investigate every Report objectively as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

- Any City official or employee who discovers or suspects fraud, waste, and abuse, as set forth in this Policy, shall contact the City Manager immediately and complete the attached Investigative Complaint Form (Attachment "A"). If the City Manager is the subject of the report, the City official or employee making the report shall contact the Chief of Police and complete Attachment A.
- Fraud, waste, and abuse, as set forth in this Policy, may also be reported anonymously four (4) different ways:
 - By calling (626) 430-2216
 - Phone calls/voicemails will be responded to during regular business hours.
 - Voicemails left after hours, holidays or weekends will be responded to the following regular business day.
 - Phone calls may be recorded to ensure accuracy of details reported.
 - Via e-mail to fraudhotline@irwindaleca.gov
 - Via an online form on the City's website at www.irwindaleca.gov, located under the "How Do I..." tab.
 - By mailing the Investigative Complaint Form (Attachment "A")
- If the fraud related concern is deemed an emergency, and therefore cannot wait to be addressed by the options listed above, call 911.
- The City Manager or designee has the primary responsibility for the investigation of all suspected fraudulent reports. Every report shall be immediately forwarded to the City Manager. If the City Manager is the subject of the report, the report shall be immediately forwarded to the Chief of Police. Decisions to prosecute or refer the examination results to the appropriate law enforcement and/ or regulatory agencies for independent

investigation will be made in conjunction with the City Attorney's Office, as will final decisions on the disposition of the case

- If the City Manager is the subject of the report, he or she will be barred from making any decisions concerning the investigation or resolution of the report, and shall hold the content of the report in strict confidence, except that he or she may discuss the report with appropriate legal counsel.
- Throughout the investigation the City Manager or designee may have:
 - Free and unrestricted access to all City records and premises, whether owned or rented.
 - The authority to examine, copy, and/ or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation, within the limits provided by state and federal laws .
- All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the City Manager or the City Attorney's Office.
- The reporting individual should be informed of the following:
 - Do not contact the suspected individual in an effort to determine facts or demand restitution.
 - Do not discuss the case, facts, suspicions, or allegations with anyone, including but not limited to, the media or any member of the public, unless specifically asked to do so by the City Manager, designee or City Attorney's Office.
- The City shall not take any retaliatory action against any individual who makes a Report.

V. INVESTIGATION RESULTS

Upon conclusion of the investigation:

- The City Manager or designee, in conjunction with the City Attorney's Office, shall take appropriate action regarding misconduct following a review of the investigation results and findings. Disciplinary action may include, suspension, termination of employment, and where appropriate, referral of the case to an appropriate law enforcement agency and District Attorney's Office for possible investigation and prosecution.
- If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by the designated representatives from the City Manager's Department, and/or Human Resources Department, as appropriate under the applicable City Personnel Rules, before any such action is taken, and in accordance with any negotiated disciplinary language.

- The City will pursue every reasonable effort, including court ordered restitution, to obtain recovery of City losses from the offender, or other appropriate sources.
- If an investigated report is found to lack merit, it will be closed, and no further action may be taken on the matter.

VI. CONFIDENTIALITY

The City Manager or designee treats all information received confidentially to the extent required by Section §53087.6 of the California Government Code.

VII. FILING OF MALICIOUS COMPLAINTS

The City will not tolerate malicious reports. Reports will not be considered malicious merely because they determined to be unsubstantiated. A malicious report is one that is made in bad faith or with knowledge that the complaint entirely lacks any factual basis.

VIII. ADMINISTRATION

The Director of Finance and the City Manager are responsible for the administration, revision, interpretation, and application of this Policy. The Policy will be reviewed and revised as needed.

IX. ACTION

This Policy is effective on the date approved by the City Council.

CITY OF IRWINDALE

Investigative Complaint Form

The City of Irwindale is committed to conducting its affairs ethically and in compliance with the law. We take pride in our employees and the high quality services we provide to the community. In order to ensure that we maintain and improve upon the quality and integrity of our services, it is important that we provide employees and the public with ample opportunity to express any concerns regarding fraudulent, wasteful, or abusive activities by City contractors, volunteers, employees, elected officials, and members of the City's committees and commissions. If you wish to express a concern, please complete and submit the following form to:

**City of Irwindale
Attn: City Manager
5050 N Irwindale Avenue
Irwindale, CA 91706**

1. Your Contact Information (*leave blank if you wish to remain anonymous*):

Name:

Position:

Contact Phone Number:

Alternate Contact Phone Number:

Email:

2. Please provide information about your complaint (*attach additional pages if necessary*)

Date the Incident Occurred:

Time the Incident Occurred:

Person(s) Involved:

Description of Complaint (What, where, when, how and who else may be aware of incident):
